

FILED 12/18/06 1:30 PM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHIO HANG SAECHAO,

Petitioner,

v.

JEAN HILL, Superintendent, Snake
River Correctional Institution,

Respondent.

Civ. No. 05-363-TC

ORDER

Aiken, Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned action on November 21, 2006. Magistrate Judge Coffin recommends that the petition for writ of habeas corpus be denied and the case be dismissed. Magistrate Judge Coffin found that a tape-recorded statement admitted against petitioner at trial was not testimonial and had a sufficient indicia of reliability.

The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner has filed timely objections to the Findings and Recommendation. Upon de novo review, I find no error and agree that petitioner fails to establish a violation of the Confrontation Clause. See Crawford v. Washington, 541 U.S. 36 (2004); Ohio v. Roberts, 448 U.S. 56 (1980).

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 55) filed November 22, 2006, is ADOPTED. The Amended Petition for Writ of Habeas Corpus (doc. 13) is DENIED, and this case is DISMISSED.

IT IS SO ORDERED.

Dated this 18 day of December, 2006.



Ann Aiken
United States District Judge